



## North Carolina Department of Administration

Beverly Eaves Perdue, Governor

Moses Carey, Secretary

September 1, 2011

To: Appropriation Committee Chairs, NC General Assembly  
Chairs, Jt. Legislative Committee on IT Oversight  
Chairs, House and Senate General Government Committees  
Karlynn O'Shaughnessy Fiscal Research Division  
Andy Willis, Office of State Budget and Management

From: Christy Agner

Re: Report on Mobile Electronic Communication Devices

Session Law 2011-145, Section 6A.14 (a) requires every executive branch agency within State government to develop a policy to limit the issuance and use of mobile electronic devices to the minimum required to carry out the agency's mission. Attached is the Department of Administration's policy on mobile communication devices. The policy covers the items detailed in the Session Law.

Please contact Chief Operating Officer Anne Bander at 807-2336 if there are any questions.

cc: Secretary Moses Carey  
Chief Operating Officer Anne Bander  
Deputy Secretary Speros Fleggas  
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General Counsel Zeke Creech

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## **Fiscal 018: MOBILE COMMUNICATION DEVICES POLICY FOR DEPARTMENT OF ADMINISTRATION**

### **Purpose:**

The Department of Administration (DOA) recognizes that for certain job functions it is critical that an employee be accessible when remotely assigned, is away from assigned work location, during times outside scheduled working hours, or during times of emergency. For this reason, DOA may provide a mobile communication device to select employees, or a subsidy to cover costs associated with those employees who are in this category for work-related purposes. While acknowledging this need for mobile communications, DOA must remain attuned to the costs associated with providing that technology.

The intent of this policy is to strategically align specific mobile communication devices to the roles and responsibilities of employees who have a work-related need for same.

### **References and Applicable Laws:**

Office of State Budget and Management, State Budget Manual 5.10.5 Mobile Telephones  
Office of State Budget and Management, State Budget Manual 5.11 Mobile Communication Device  
S.L. 2011-145, Section 6A.14.(a)  
N.C.G.S. 132 – NC Public Records Act  
N.C.G.S. 20-137.4A – Illegal to text and email while driving  
ITS Contract Number 915A

### **Definitions:**

A mobile communication device is any device that is capable of using the services provided by the public/private cellular networks. These devices can include two-way “push to talk” devices, pagers, simple cell phones, or devices with the capability to access the Internet (“smart phones”).

### **Scope:**

This policy applies to all DOA employees who are issued a state-owned mobile communication device or for whom a subsidy of their personal mobile communication device expenditure is provided by the Department.

### **Policies:**

#### **A. Criteria for Determining Need:**

Division Directors will review the need for mobile communication devices, voice and data plans, and with assistance from DOA’s Management Information Systems (MIS) Division ITS Liaison, select the most appropriate and cost-effective solution for employees who are authorized to have or receive subsidy for such devices. Criteria for determining need include, in priority order:

1. Requirement for 24-hour or on-call duty
2. Work requirements have person out of office/not at work phone 50% or more on average

Division Directors may consider a division allocation of a device(s) that can be rotated among employees who are on call for some, but not all of the time.

A subsidy may be considered if it is more cost-effective for the Department, and if the employee is willing to do so, based on the need for that employee to have such coverage, using the above criteria. Any subsidy provided will be entered into the payroll system by the department, and will be included in the employee's paycheck and reported on the employee's W2 form. The subsidy is subject to all regular payroll taxes, but is not included in the employee's State retirement computation.

B. Usage/State-Owned Devices:

Employees of the Department of Administration are not allowed to use the Department-owned mobile communication devices for anything that is not related to Departmental business. Personal use is permissible for emergency purposes.

Employees using "smart phone" devices should be aware that all Departmental and State IT policies related to storing and transferring secure data via a mobile communication device must be followed.

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, expressing personal or political beliefs, involves wagering or betting, or is otherwise unlawful or inappropriate may not be communicated with these technologies.

The Department also strongly discourages the practice of using a cellular phone while operating a motor vehicle, and encourages drivers to use mobile communication devices only while safely parked.

Texting and emailing while driving is illegal according to G.S. 20-137.4A.

C. Public Information/Records:

Employees using a Department-owned mobile communication device should not have an expectation of privacy in anything they create, store, send, or receive via these technologies, and all information contained in the records associated with them (calls in/out, text messages, emails, and accessing the internet) are subject to public records requests and will be provided pursuant to NC Public Records Act (N.C.G.S. 132). Likewise, employees receiving subsidies to offset costs of using their personal cell phones/mobile communication devices to conduct state business also expressly waive any right of privacy for such activity on the Department-related communication devices. The department has the right, but not the duty, to monitor any and all aspects of this activity.

D. Enforcement:

Mobile communication device records will be reviewed by managers to ensure compliance.

All State-owned mobile communication devices assigned for employee use are the property of the State, and as such, may be removed at any time. Abuse of DOA's mobile communication device policy may result in loss of privileges, repayment of unauthorized or disallowed services, and/or in disciplinary action.

Annual review by division directors to re-justify the need for continuation of a mobile communication device assignment or the subsidy of an individual's personal device will be completed in July of each year.

Procedures:

A. Requesting and Receiving:

Employee requests mobile communication device based on criteria in policy and/or division director recommends employee have device  
Request form is completed outlining need, specific criteria for device (e.g., access to internet, calls only, pager function, etc.) and signed by employee and division director  
Form is submitted to MIS IT Liaison for review with ITS for specific MCD plans most cost-effective  
Form with proposed plan is forwarded to appropriate deputy to see request and cost implications for approval  
Form is forwarded to Fiscal Management to verify availability of funds  
Form is returned to MIS IT Liaison to place order  
Employee receives device and signs acknowledgment of receipt of MCD policy

B. Returning Device:

Employee returns device to MIS IT Liaison to cancel service, receives receipt  
MIS IT Liaison returns device to ITS and cancels service, with copies of cancellation confirmation submitted to Fiscal Management, Division Director, Deputy Secretary

C. Attached Form:

- NCDQA Cellular Device Approval and Usage Acknowledgement

D. Reporting:

September 1, 2011 – Department will provide a copy of its policy to:

- Chairs of Appropriations Committee
- Chairs of the Appropriations Subcommittee on General Government of the House
- Chairs of the Appropriations/Base Budget Committee
- Chairs of the Appropriations Committee on General Government and Information Technology of the Senate
- Chairs of the Joint Legislative Oversight Committee on Information Technology
- Fiscal Research Division
- Office of State Budget and Management

October 1, 2011, and quarterly thereafter – Department will report to the above groups:

- Changes to agency policy
- Number and type of new devices issued since previous report
- Total number of devices issued by the agency
- Total cost of mobile devices issued by the agency
- Number of each type of mobile device issued, with total cost for each type

## NCDOA Cellular Device Approval and Usage Acknowledgement

Division Name: \_\_\_\_\_

Name: \_\_\_\_\_

Email address: \_\_\_\_\_

Work address: \_\_\_\_\_

I have read the Mobile Communication Device Policy for DOA and understand my responsibilities and rights, including that related records may be subject to public records request.

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
(Print Name) (Signature)

Check one:

☐ Requirement for 24-hour or on-call duty. ☐ Working outside the office 50% or more on average.

Explanation how device will be used for work purposes:

Check one:

For personal use only:

☐ Personal phone Cellular phone number: \_\_\_\_\_  
☐ Basic Phone ☐ Smartphone Cellular provider: \_\_\_\_\_

☐ DOA-provided device Cellular number, if assigned: \_\_\_\_\_

Supplied device type

☐ Basic Phone ☐ Smartphone  
☐ Basic Phone with Push-to-Talk ☐ 4G USB Modem for laptop  
☐ Push-to-Talk only ☐ Netbook

Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_  
(Print Name) (Signature)

Division Director: \_\_\_\_\_ Date: \_\_\_\_\_  
(Print Name) (Signature)

Deputy Secretary: \_\_\_\_\_ Date: \_\_\_\_\_  
(Print Name) (Signature)

Fiscal Officer: \_\_\_\_\_ Date: \_\_\_\_\_  
(Print Name) (Signature)

\*\*\*FOR MANAGEMENT INFORMATION SYSTEMS USE ONLY\*\*\*

Provider: \_\_\_\_\_ Selected device: \_\_\_\_\_

Order date: \_\_\_\_\_ Receipt date: \_\_\_\_\_

Cell number: \_\_\_\_\_ Cell device ESN: \_\_\_\_\_

MIS Cellular  
Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_  
(Print Name) (Signature)

August 2011